IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 13th day of September 2005
Bail application no. 814 **of 2005**
Order on the bail application of accused

CRIMINAL SIDE

Manoj @ Brahm Singh S/o Sri Saroj Singh
R/o Dharmuwala Badhapur
District Bijnor at present residing at
New Colony Jawalapur
District Haridwar …Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of Case Crime No. 406 of 2005
Under Sections 363, 366, 376 and 506 of I.P.C.
Police Station Kotdwar,
District Pauri Garhwal.

By the court

Hon'ble B.C. Kandpal, J

The applicant has applied for bail in case crime No. 406 of 2005 Under Sections 363, 366, 376 and 506 of I.P.C., Police Station Kotdwar, District Pauri Garhwal.

Heard Sri Raman Kumar Shah, learned counsel for the applicant, learned A.G.A. and perused the record.

The applicant is the *Jija* of the victim and it is alleged by the prosecution that he took the prosecutrix on his motorcycle to Haridwar, where the prosecutrix was kept in a room for about five days and during this period, the applicant subjected her to rape. The medical examination report shows that the age of the prosecutrix is between 17 to 18 years.

Keeping in view, the period of stay of the prosecutrix in the company of the accused/applicant as well as the age of the prosecutrix, I think, it would be just and proper to release the applicant on bail at this stage.

Let the applicant Manoj @ Brahm Singh be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

13.09.2005
ASWAL